

charging misbranding with respect to all lots and adulteration with respect to portions in violation of the Food and Drugs Act.

The gauze bandage and a portion of the absorbent cotton were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, "Sterilized After Packaging," since they were not sterile but were contaminated with viable micro-organisms.

All lots were alleged to be misbranded in that the following statements and design on the cartons were false and misleading when applied to articles that were not sterile: (Gauze bandage) "Sterilized After Packaging," "Acme Prepared for Surgical purposes and for general uses in the Sick Room," "Acme Surgical Gauze"; (portion of absorbent cotton) "Sterilized," "Sterilized After Packaging for Surgical and Sanitary Uses"; (remainder of absorbent cotton) the design of a nurse's head accompanied by the word "Hospital," the statements "Surgical Absorbent Cotton This surgical cotton has been processed to a high degree of refinement. It is recommended for sick room, first aid, nursery * * * purposes," and the word "Acme," which constituted a part of the firm name.

On October 19 and 20, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29779. Adulteration and misbranding of "Ether U. S. P. 10 * * * (Ethyl Oxide U. S. P. XI)." U. S. v. 46 Cans and 14 Cans of Ether. Default decrees of condemnation and destruction. (F. & D. Nos. 44095, 44096. Sample Nos. 33895-D, 33896-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages at the time of examination, was found to contain peroxide in 9 of the 10 cans examined. Consequently, it fell below the standard for ether defined in the United States Pharmacopoeia, tenth revision, and for ethyl oxide defined in the said pharmacopoeia, eleventh revision.

On October 24, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 60 cans of ether at Washington, D. C.; alleging that the article had been shipped by Merck & Co., Inc., in part on or about September 7, 1938, from Elizabeth, N. J., and in part on or about September 8, 1938, from Rahway, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under names recognized in the United States Pharmacopoeia, namely, "Ether" and "Ethyl Oxide," and differed from the standards of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the label. Adulteration was alleged further in that its purity fell below the professed standard or quality under which it was sold, i. e., "Ether U. S. P. 10," since it did not conform to the specification of the tenth revision of the pharmacopoeia in that it contained peroxide.

Misbranding was alleged in that the statements on the label, "Ether U. S. P. 10" and "Ethyl Oxide U. S. P. XI," were false and misleading since the article did not conform to the specifications of the tenth revision of the pharmacopoeia for ether nor of the eleventh revision of the said pharmacopoeia for ethyl oxide.

On November 1, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29780. Adulteration and misbranding of absorbent cotton and gauze bandage. U. S. v. 270 Dozen Packages of Gauze Bandage (and 1 seizure action against similar products). Default decree of condemnation and destruction. (F. & D. Nos. 42316, 43015, 43016, 43017. Sample Nos. 17134-D, 29621-D, 29622-D, 29623-D.)

These products having been shipped in interstate commerce and remaining unsold and in the original packages at the time of examination, were found to be contaminated with viable micro-organisms.

On May 6 and July 2, 1938, the United States attorneys for the District of Maryland and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 270 dozen packages of gauze bandage at

Baltimore, Md., and 98½ pounds of absorbent cotton and 6½ dozen packages of gauze bandage at Philadelphia, Pa.; alleging that the articles had been shipped between the dates of February 3 and June 3, 1938, by the American White Cross Laboratories, Inc., from New Rochelle, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, i. e., sterilized absorbent cotton and surgical gauze, respectively, since they were not sterile.

Misbranding was alleged in that the following statements, (cotton) "Sterilized * * * Absorbent Cotton," and "Sterilized After Packaging The White Cross of Perfection is your Protection Satisfaction Guaranteed"; (portion of bandages) "Sterilized * * * Surgical Gauze Sterilized After Packaging," and "The White Cross of Perfection is your Protection"; (remainder of bandages) "Sterilized After Packaging Surgical Sanitary," were false and misleading when applied to articles that were not sterile but were contaminated with viable micro-organisms.

On November 9, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29781. Misbranding of George's Compound. U. S. v. 15 Quart Bottles of George's Compound. Default decree of condemnation and destruction. (F. & D. No. 43014. Sample No. 27318-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and other misrepresentations.

On July 27, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 quart bottles of George's Compound at Billings, Mont.; alleging that the article had been shipped in interstate commerce on or about March 29, 1938, by Nick A. George from Casper, Wyo.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that it consisted essentially of sodium salicylate, extracts of plant drugs (including hops), sugar, and water.

The article was alleged to be misbranded in that the statement "Herb Compound," appearing in the circular, was false and misleading when applied to an article of the above composition. It was alleged to be misbranded further in that the statement in the circular, "It complies with all pure food and drug laws of the United States," was false and misleading since it created the impression that the article had been examined and approved by the Government of the United States and that the Government guaranteed that it complied with the law; whereas it had not been so examined and approved and did not comply with the law.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in a circular shipped therewith, falsely and fraudulently represented that it was effective to neutralize foreign poison and to cleanse the entire system of such poison; effective as a treatment, remedy, and cure for rheumatism, some forms of arthritis, inflammatory sciatica, neuritis, lumbago, pleurisy, numb hands and limbs, pains on the side of the neck and in back of ears, bloating, sour stomach, bad breath, burning, dizziness, vomiting, nervousness, kidney and bladder trouble, high and low blood pressure, appendicitis, poor complexion, liver and lung trouble, poor circulation, shortness of breath, chills and fever, infected tonsils, sore throat, mumps, diphtheria, paralysis, cold in throat, chest, or lungs, coughs, ulcers, toothache, loose teeth, soreness in mouth, insomnia, eczema, heart trouble, internal rheumatic fever, flu, yellow jaundice and many other minor ailments, stomach trouble, piles, laryngitis, severe headache, female trouble, delayed monthly periods, and change of life; effective to alleviate suffering due to old age and to kill poisons and purify the blood; effective in the treatment of rundown condition and loss of appetite; as a blood cleanser and tonic; and effective in the treatment of kidney and bladder trouble, asthma, hardening of the arteries, inflammatory rheumatism, sciatic rheumatism, intestinal flu, foot trouble, insomnia, gas on the bowels, and lumbago.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*